

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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MARLEEN M. LAPLANT,  
on her own behalf and on behalf of a class  
similarly situated,

Plaintiff,

v.

Case No. \_\_\_\_\_

THE NORTHWESTERN MUTUAL  
LIFE INSURANCE COMPANY, a Wisconsin  
mutual insurance corporation

Defendant.

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**DECLARATION OF JOSHUA D. MAGGARD**  
**IN SUPPORT OF DEFENDANT'S NOTICE OF REMOVAL**

1. I am an attorney in the firm of Quarles & Brady, LLP, counsel for defendant Northwestern Mutual Life Insurance Company. I have personal knowledge of the matters stated herein. I make this statement in support of Defendant's Notice of Removal.

2. Pursuant to 28 U.S.C. § U.S.C. 1446(a), copies of all process, pleadings, and orders served upon Defendant in the State Court Action are being submitted with this Notice of Removal. Exhibits 1 through 35 comprise all process, pleadings, and orders served upon Defendant in the State Court Action. Exhibits 36 through 41 are additional documents submitted in support of Defendant's Notice of Removal.

3. Attached to the Notice of Removal as Exhibit 1 is a true copy of the Summons and Complaint, dated August 26, 2008.

4. Attached hereto as Exhibit 2 is a true copy of the Plaintiff's Response to Defendant's Motion to Dismiss, dated November 25, 2008.

5. Attached hereto as Exhibit 3 is a true copy of the Circuit Court's Decision on Motion to Dismiss and Order, dated June 15, 2009.
6. Attached hereto as Exhibit 4 is a true copy of the Circuit Court's Order Denying Motion to Dismiss, dated July 10, 2009.
7. Attached hereto as Exhibit 5 is a true copy of Plaintiff's Notice of Motion and Motion for Certification and Brief in Support, dated August 18, 2009.
8. Attached hereto as Exhibit 6 is a true copy of Plaintiff's Amended Motion for Certification, dated August 19, 2009.
9. Attached hereto as Exhibit 7 is a true copy of Plaintiff's Reply Brief in Support of its Motion for Certification, dated September 30, 2009.
10. Attached hereto as Exhibit 8 is a true copy of the Circuit Court's Decision and order on Motion for Certification, dated October 26, 2009.
11. Attached hereto as Exhibit 9 is a true copy of the Circuit Court's Scheduling Order, dated November 3, 2009.
12. Attached hereto as Exhibit 10 is a true copy of Plaintiff's Motion to Approve Class Action Notice and Brief in Support, dated November 16, 2009.
13. Attached hereto as Exhibit 11 is a true copy of Plaintiff's Motion for Extension of Time to File Response to Petition for Leave to Appeal Non-Final order, dated November 19, 2009.
14. Attached hereto as Exhibit 12 is a true copy of Plaintiff's Brief in Opposition to Petition for Leave to Appeal Non-Final Order, dated November 25, 2009.
15. Attached hereto as Exhibit 13 is a true copy of Plaintiff's Motion to Accept Corrected Brief, dated November 30, 2009.

16. Attached hereto as Exhibit 14 is a true copy of the Circuit Court's Decision on Motion of Plaintiff to Approve Class Notice and Order, dated December 14, 2009.

17. Attached hereto as Exhibit 15 is a true copy of the Court of Appeals' Order stating that Plaintiff's corrected briefs are accepted as filed, dated January 8, 2010.

18. Attached hereto as Exhibit 16 is a true copy of Plaintiff's List of Lay Witnesses, dated March 29, 2010.

19. Attached hereto as Exhibit 17 is a true copy of Plaintiff's Report to Court Regarding Class Notice, dated March 31, 2010.

20. Attached hereto as Exhibit 18 is a true copy of the Court of Appeals' Order Substituting Panel, dated April 2, 2010.

21. Attached hereto as Exhibit 19 is a true copy of the Court of Appeals' Order regarding Petition for Leave to Appeal, dated May 12, 2010.

22. Attached hereto as Exhibit 20 is a true copy of Plaintiff's Preliminary Mediation Memorandum, dated September 8, 2010.

23. Attached hereto as Exhibit 21 is a true copy of Plaintiff's Jury Waiver, dated September 24, 2010.

24. Attached hereto as Exhibit 22 is a true copy of Plaintiff's Pre-trial Report, dated October 1, 2010.

25. Attached hereto as Exhibit 23 is a true copy of Plaintiff's Proposed Special Verdict and Proposed Jury Instructions, dated October 7, 2010.

26. Attached hereto as Exhibit 24 is a true copy of Plaintiff's Motions *in Limine*, dated October 7, 2010.

27. Attached hereto as Exhibit 25 is a true copy of Plaintiff's Response to Defendant's Motion *in Limine* to Exclude Evidence, dated October 19, 2010.
28. Attached hereto as Exhibit 26 is a true copy of Plaintiff's Proposed Findings of Fact and Conclusions of Law, Brief in Support, and Proposed Judgment.
29. Attached hereto as Exhibit 27 is a true copy of Plaintiff's Reply Brief on Parties' Proposed Findings of Fact and Conclusions of Law and Declaratory Judgment, dated January 28, 2011.
30. Attached hereto as Exhibit 28 is a true copy of the Circuit Court's Decision in Matter Tried to the Court, dated March 7, 2011.
31. Attached hereto as Exhibit 29 is a true copy of Plaintiff's Brief in Opposition to Defendant's Motion for Disqualification and Recusal of Trial Judge, dated May 2, 2011.
32. Attached hereto as Exhibit 30 is a true copy of the Circuit Court's Decision and Orders on Motions for Recusal and Disqualification, dated June 17, 2011.
33. Attached hereto as Exhibit 31 is a true copy of Plaintiff's Brief in Opposition to Defendant's Petition for Interlocutory Appeal or a Supervisory Writ, dated July 15, 2011.
34. Attached hereto as Exhibit 32 is a true copy of the Court of Appeals' Order Substituting Panel, dated July 19, 2011.
35. Attached hereto as Exhibit 33 is a true copy of the Court of Appeals' Opinion and Order Denying Defendant's Petition for Leave to Appeal, dated August 2, 2011.
36. Attached hereto as Exhibit 34 is a true copy of Plaintiff's Notice and Motion to Redefine the Class to Include all Pre-MN Annuitants and for Related Relief and Brief in Support, dated August 30, 2011.

37. Attached hereto as Exhibit 35 is a true copy of Plaintiff's Amended Notice and Motion to Redefine the Class to Include all Pre-MN Annuitants and for Related Relief, dated September 12, 2011.

38. Attached hereto as Exhibit 36 is a true copy of the Affidavit of Chris G. Trost, dated September 27, 2011.

39. Attached hereto as Exhibit 37 is a true copy of the Affidavit of Robert L. Hoyer, dated March 8, 2005.

40. Attached hereto as Exhibit 38 is a true copy of excerpts from Plaintiff's Memorandum in Support of Motion to Remand to State Court, *Krueger v. Northwestern Mutual Life Ins. Co.*, Case No. 1:10-cv-00128-SPM (N.D. Fla.), dated July 28, 2010.

41. Attached hereto as Exhibit 39 is a true copy of an Order Denying Motion to Remand, *Krueger v. Northwestern Mutual Life Ins. Co.*, Case No. 1:10-cv-00128-SPM (N.D. Fla.), dated November 9, 2010.

42. Attached hereto as Exhibit 40 is a true copy of an Order Regarding Petition for Permission to Appeal, *Keeling v. Esurance Ins. Co.*, Case No. 11-8018 (7th Cir.), dated September 26, 2011.

43. Attached hereto as Exhibit 41 is a true copy of an Order Denying Plaintiff's Motion to Remand to State Court, *Himmel v. Bucyrus Int'l, Inc.*, Case No. 10-C-1104 (E.D. Wis.), dated August 23, 2011.

s/ Joshua D. Maggard